

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

JASON HENRY and others similarly  
situated,

Plaintiffs,

v.

No. 11-1376

DISH NETWORK, L.L.C.,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING IN  
PART AND DENYING IN PART PLAINTIFF'S MOTION TO CERTIFY CLASS

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Pursuant to an order of reference entered on June 1, 2012, the magistrate judge issued a report and recommendation dated July 26, 2012 (D.E. 37) on the motion of the Plaintiff, Jason Henry, for approval of 29 U.S.C. § 216(b) notice and consent forms and to order disclosure of current and former employees (D.E. 31). The magistrate judge recommended that the motion be granted. It was further recommended that the parties meet and confer in good faith regarding the specifics of the notice and to pursue conditional certification for a three-year period. The magistrate judge recommended that this meeting occur as soon as practicable, no later than thirty days from entry of an order of the district judge adopting the report and recommendation. Finally, it was recommended that Plaintiff's request for equitable tolling be denied without prejudice to refiling when the issue arises with respect to specific potential class members. No objections to the report and recommendation have been filed by either party.<sup>1</sup>

Having reviewed the magistrate judge's report and recommendation, and the entire record

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<sup>1</sup>The time for such objections expired September 25, 2012.

of the proceeding before the magistrate judge, the Court ADOPTS the magistrate judge's report and recommendation. The Plaintiff's motion is GRANTED IN PART AND DENIED IN PART as set forth in the report and recommendation. The meeting of the parties contemplated in the report and recommendation shall occur no later than thirty days from the entry of this order.

IT IS SO ORDERED this 28th day of September 2012.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE